

REMARKS/ARGUMENTS

Upon entry of the above amendment, claims 1-7 will have been canceled and claims 8-12 will have been submitted for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding objections and rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided, for the acceptance of the drawings filed in the present application on August 2, 2001, for the acknowledgment of Applicant's claim for priority under 35 U.S.C. § 119 and receipt of the certified copies of the priority documents as set forth in the Official Action.

Applicant also notes with appreciation Examiner's acknowledgment of Applicant's Information Disclosure Statement filed in the present application on November 7, 2001 by the return of the initialed and signed PTO-1449 Form, and for consideration of the documents cited in the Information Disclosure Statement.

Applicant acknowledges with appreciation the Examiner's indication of allowable subject matter in claims 2 and 3.

Turning to the merits of the action, the Examiner has rejected claim 6 under 35 U.S.C. § 112, forth paragraph. By the present amendment, Applicant has canceled claim 6 without prejudice and disclaimer and has submitted claim 11, being generally based on the canceled claim 6, to incorporate by reference

all the limitation of the claim to which it refers. Thus, Applicant respectfully submits that all of the claims comply with 35 U.S.C. § 112, first paragraph.

The Examiner has rejected claims 1, and 4-7 under 35 U.S.C § 102 (b) as being anticipated by HATZMANN (U.S. Patent No. 3,790,159).

As noted above, Applicant has canceled these rejected claims and has submitted new claims 8-12 for consideration. In this regard, Applicant notes that claims 8 and 9 are generally based on original claim 2, which the Examiner indicated contains allowable subject matter; and claim 10 generally is based on original claim 3, which the Examiner indicated contains allowable subject matter. Claim 11 is generally based on original claim 4, and claim 12 is generally based on original claim 6. Claims 11 and 12 depend from claim 8. Thus, Applicant respectfully submits that newly submitted claims 8-12 are allowable for at least the same reasons applicable to claims 2 and 3. Therefore, Applicant respectfully requests that the Examiner confirm the allowability of claims 8-11.

Further, Applicant notes that claims 1, and 4-7 have been canceled to advance the prosecution of the present application. However, such cancellation should not be taken as an acquiescence of the appropriateness of the rejection set forth by the Examiner. Further, Applicant reserves the right to submit claims similar to the claims canceled herein in another application. Accordingly, Applicant respectfully submits that this rejection has been rendered moot.

In view of the nature of the present amendment, Applicant submits that it is not necessary to discuss the appropriateness of the prior art rejections.

In view of the current amendment, Applicant respectfully requests reconsideration and withdrawal of the outstanding objections and rejections, and an indication of the allowability of all the claims pending in the present application in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has canceled the rejected claims and has submitted new claims for consideration by the Examiner. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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